IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

Bail Appl..No. 7119 of 2006()

CRMP.1151/2006 of SESSIONS COURT, WYNAD, KALPETTA
O.R.NO.8/06 OF KUPPADI FOREST RANGE.

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: PETITIONER/5TH ACCUSED

K.ABDULLAKUTTY, S/O.AHAMMADUNNI,
AGED 68 YEARS, KALARIKANDY HOUSE,
NOOLPUZHA P.O., SULTHAN BATHERY TALUK,
WAYANAD DISTRICT.

BY ADV. SRI.JIJO PAUL

RESPONDENT: STATE

THE STATE OF KERALA,
REP. BY THE ASSISTANT WILD LIFE WARDEN,
SULTHANBATHERY, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-31.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/12/2006, ALONG WITH BA NO.7127 OF 2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.Nos. 7119/06 & 7127/06

DATED THIS THE 11TH DAY OF DECEMBER, 2006

O R D E R

The common petitioner in these applications for anticipatory bail is the 5th accused in O.R.Nos. 8/06 and 9/06 of Kuppady Forest Range. In O.R.No.8/06, the case of the prosecution is that on 4.10.2006, five sandal wood trees were cut and removed and the petitioner herein is the alleged purchaser. O.R.No.9/06 relates to the cutting of one sandal wood tree on 7.10.2006. The petitioner is alleged to be the purchaser of that tree as well. The petitioner would contend that he has been falsely implicated on the strength of the statement made by the 4th accused in both the cases to the effect that the sandal wood trees which were cut were purchased by the petitioner herein.

2. Learned Public Prosecutor opposed the application.

3. It is too early to conclude that the petitioner has nothing to do with the sandal wood trees cut from the reserve forest. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Anticipatory bail cannot be granted in a case of this nature,

where the forest wealth is plundered by anti-social elements. If the petitioner surrenders before the Magistrate concerned and files applications for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which they are filed.

With this direction, these applications are dismissed.

V.RAMKUMAR, JUDGE

dsn